

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda June 24, 2014 7:00 P.M.

Call to Order -

Roll Call-

Invocation given by Marbelys Fatjo, Acting City Clerk

Pledge of Allegiance led by Councilwoman Katharine Cue-Fuente

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- Mayor Carlos Hernandez and the City Council recognize Wells Fargo as the Official Sponsor of the City of Hialeah Department of Parks and Recreation Early Prevention Program (EPI) and Youth Special Events.
- Council President Garcia-Martinez presents the Missing Children's Global Network with a proclamation proclaiming May 23, 2014 as Missing Children's Global Network Day in Hialeah.

1. Announcement of Amendments/Corrections to the Agenda –
2. **Mayoral Veto:** In accordance with the authority vested in the Mayor of the City of Hialeah, pursuant to Hialeah Charter § 2.01(a) (7), Mayor Carlos Hernandez vetoes Ordinance No. 2014-33, rezoning property from R-1 (One Family Residential District) to R-2 (One and Two Family Residential District) and granting associated variance permits on **property located at 117 East 10 Street, Hialeah, Florida**. *Applicant: Marisol Rodriguez Basuto*
3. Consent Agenda—

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on June 10, 2014. (OFFICE OF THE CITY CLERK)
- B. Request permission to cancel the upcoming July 8 and July 22, 2014 City Council meetings for summer recess. (CITY CLERK'S OFFICE)
- C. Request permission to increase purchase order # 2014-51, since it is advantageous to the City, issued to Law Enforcement Psychological and Counseling Associates, Inc., for psychological screening services for the hiring of certified police officers, fire fighters, and the Employee Assistance Program (EAP), by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$40,000. (HUMAN RESOURCES DEPT.)
- D. Proposed resolution providing annual certification of the need and necessity for continuation of transportation service provided by "For-Hire School Vehicles" pursuant to Hialeah Code § 90-68 and by "For-Hire Vans" and authorizing the License Division to issue Business Tax Receipts in connection therewith. (LAW DEPT.)
- E. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Dura Floor, Inc. d/b/a Dura Bond Company, vendor providing the lowest quote, for the epoxy flooring at the Public Works building, in a total cumulative amount not to exceed \$28,360. (DEPT. OF CONSTRUCTION & MAINTENANCE)
- F. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2014-703, to purchase and/or repair rescue gear and equipment, by an additional amount of \$5,564, for a new total cumulative amount not to exceed \$20,564. (FIRE DEPT.)
- G. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2014-220, issued to Gus Machado Ford, Inc., to purchase automotive replacement Ford parts at cost plus eight percent (8%), by an additional \$15,000, for a new total cumulative amount not to exceed \$45,000. (FLEET MAINTENANCE DEPT.)

- H.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2014-79, issued to Southern Sewer Equipment Sales and Service, Inc., to purchase truck parts and accessories for City vehicles, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$35,000. (FLEET MAINTENANCE DEPT.)
- I.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2014-390, issued to Sysco Food Services of South Florida, Inc., now known as Sysco South Florida, Inc., by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$30,000. (DEPT. OF PARKS & RECREATION)
- J.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2014-884, issued to Lou's Police Distributors, Inc., to purchase uniforms for recently hired officers and officers who have been promoted during the past month, by an additional amount of \$6,606.54, for a new total cumulative amount not to exceed \$89,639.98. (POLICE DEPT.)
- K.** Proposed resolution accepting a grant award from the Children's Trust in the amount of \$1,012,637.00 for Aftercare and Literacy Programs for one-year commencing on August 1, 2014 through July 31, 2015, and authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to negotiate and enter into a grant agreement, in substantial form as attached hereto and made a part hereof as Exhibit "1" and execute any and all documents in furtherance thereof. (EDUCATION AND COMMUNITY SERVICES DEPT.)
- L.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Pro Striping USA Corp, for striping services for West 18 Avenue from Okeechobee Road to 37 Street, in a total cumulative amount not to exceed \$4,641.91. (STREETS DEPT.)
- M.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Pro Striping USA Corp, to purchase striping materials for Palm Avenue from Okeechobee Road to 9 Street, in a total cumulative amount not to exceed \$6,196.50. (STREETS DEPT.)
- N.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Pro Striping USA Corp, for striping services for West 18 Avenue from West 41 Street to West 49 Street, in a total cumulative amount not to exceed \$11,290.43. (STREETS DEPT.)
- O.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Pro Striping USA Corp to purchase striping materials for East 4 Avenue from East 49 Street to East 56 Street, in a total cumulative amount not to exceed \$9,106.89. (STREETS DEPT.)
- P.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Pro Striping USA Corp, to purchase striping materials for

West 41 Street from West 12 Avenue to West 20 Avenue, in a total cumulative amount not to exceed \$16,334.96. (STREETS DEPT.)

- Q.** Proposed resolution granting an exclusive license to Pizzerias, LLC, a Florida Limited Corporation, a licensed franchisee and doing business as Papa John's Pizza, to sell and deliver pizzas at a reduced rate or volume discount of \$7.00 for each one topping pizza, as ordered by the City, in connection with activities conducted in City of Hialeah events, programs, parks and recreational facilities; and further authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a Sponsorship Agreement with Pizzerias, LLC, a Florida Limited Corporation, a licensed franchisee and doing business as Papa John's Pizza, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1", to become a Hialeah Pillar Partner and be designated the official pizza partner of the City of Hialeah for a term of four years, commencing on July 1, 2014 through June 30, 2018, with a one-year renewal option upon same terms, in exchange for a total sponsorship fee of \$75,000.00 payable pursuant to payment schedule, 200 complimentary pizzas each year of the agreement, a marketing bundle including on-site, media, internet, and direct-mail advertising opportunities, presentation at special events and programs, discounted entrance tickets to Hialeah water park and aquatic facilities, discounts for rental facilities, VIP parking, presenting sponsor at designated events, signage on Hialeah Transit buses and medians, in receipt of other promotional items in connection with special events and programs; and further authorizing the naming of the Recreation Hall at Milander Center as Papa John's Pizza Recreation Hall at Milander Park, for the duration of the agreement. (EDUCATION AND COMMUNITY SERVICES DEPT.)
- R.** Request authorization for the City of Hialeah to apply for the 21st Century Community Learning Centers Grant, and further request permission, if awarded the grant, for the Mayor to execute, on behalf of the City of Hialeah, a contract, as well as any additional documents and subcontracts of this grant. (EDUCATION AND COMMUNITY SERVICES)
- S.** Request from Comité Cívico Ecuatoriano de Florida, for a festival permit, in order to host an Ecuador Independence Day Celebration at Milander Center, located at 4800 Palm Avenue, Hialeah, Florida, on Saturday, August 9, 2014 from 10:00 a.m. to 9:00 p.m., with an anticipated attendance of 2,000 individuals. (*Pending recommendations from the Police and Fire Dept.*) (DEPT. OF COMMUNICATION AND SPECIAL EVENTS)
- T.** Proposed resolution issuing a Certificate of Appropriateness to the Iglesia Universal Del Reino de Dios (Universal Church), located at 500 Palm Avenue, to allow the owner to make alterations to the front exterior of the building, including front columns, a connecting passway, and moldings, and apply for the necessary building permit(s) in connection therewith. (OFFICE OF THE CITY CLERK)
- U.** Proposed resolution issuing a Certificate of Appropriateness to Juan Carlos Oliva to allow him to remove the existing carport and build a two-story addition to his property, located at 201 Totolochee Drive, and apply for the necessary building permit(s) in connection therewith. (OFFICE OF THE CITY CLERK)

- V. Request permission to issue a purchase order to The Corradino Group, Inc., one of the companies approved by the City Council to provide architectural, design or engineering services, for the roadway and drainage design services of East 9 to 17 Street from 4 to 6 Avenue, in a total cumulative amount not to exceed \$259,810. (STREETS DEPT.)
- W. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to U.S. Holdings, Inc. d/b/a United States Foundry & Manufacturing Corporation, to purchase frames and grates to be installed throughout the City, in a total cumulative amount not to exceed \$29,900. (STREETS DEPT.)
- X. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2014-161, since it is advantageous to the City, issued to CSPI, Inc., formally known as Cummins Southeastern Power, Inc., to purchase Cummins equipment parts and accessories for City trucks, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$45,000. (FLEET MAINTENANCE DEPT.)
- 4. Second reading and public hearing of a proposed ordinance authorizing the grant of an easement to Telemundo Network Group, LLC, to improve, operate and maintain an ingress-egress driveway connecting two parking lots, in an area having 270 square feet, more or less, and more particularly described in the Telemundo parking lot improvements plans prepared by SRS Engineering, Inc., Project Number SRS-1317, dated October 2013, attached hereto and made a part hereof as Exhibit "A"; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute an access Easement Agreement setting forth the term, purpose and other terms, a copy of which in substantial form is attached hereto as Exhibit "B". (LAW DEPT.)

Item was approved on first reading on June 11, 2014.

5. Board Appointments –

- a. Proposed resolution, reappointing **Daisy Castellanos** as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2016. (COUNCIL VICE PRESIDENT GONZALEZ)
- b. Proposed resolution, reappointing **Jorge L. Gonzalez** as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2016. (COUNCILWOMAN CASALS-MUNOZ)
- c. Proposed resolution, reappointing **Juan F. Sanchez** as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2016. (COUNCIL PRESIDENT GARCIA-MARTINEZ)
- d. Proposed resolution, reappointing **Rodolfo J. Suarez** as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2016. (COUNCILWOMAN LOZANO)

- e. Proposed resolution, reappointing **Patrick Carnavale** as a member of the Personnel Board for a two (2)-year term ending on June 26, 2016. (COUNCIL PRESIDENT GARCIA-MARTINEZ)
 - f. Proposed resolution appointing **George Miller** to the Board of Trustees of the Employees General Retirement System for the remainder of a two (2)-year term ending on December 31, 2014. (AFSCME)
 - g. Pursuant to the Hialeah Code § 2-732, AFSCME, may nominate one member to the Personnel Board by submitting a maximum of three names to the City Council for consideration. AFSCME, has submitted the following two names for consideration, to be appointed to the Personnel Board of the City of Hialeah, as the AFSCME appointment, for a period of two (2) years ending on June 26, 2016:
 - **Jorge E. Leal**
 - **Stephen Dielmann**
6. Unfinished Business -
7. New Business-
8. Comments and Questions-

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) to allow a motel with 43 rooms and allow a hotel with 34 rooms, pursuant to Hialeah Code §98-181(2)g., rezoning lots 33 and 34 from R-3 (Multiple Family District) to P (Parking District) to be used for overflow parking, granting a Variance Permit to allow a front setback from Okeechobee Road of 18.5 feet, where a minimum of 25 feet are required, and eliminating a west side street setback on Southeast 7 Avenue, where a minimum of 15 feet are required, contra to Hialeah Code §98-1834(a)(1) and §98-1834(a)(3), on property zoned C-2 (Liberal Retail Commercial District). **Property located at 699 East Okeechobee Road, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Ceasar Mestre, Esq.* **ITEM CONTINUED ON JUNE 10, 2014 UNTIL JUNE 24, 2014, PER THE APPLICANT'S REQUEST.**

Registered Lobbyists:

- *Cesar Mestre, Esq.*

Item was approved on first reading on May 27, 2014

- PZ 2. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a lot coverage of 33.6%, where a maximum of 30% is allowed, to allow a west side setback of 8 feet, where a minimum of 10 feet are required, and to allow no landscape buffer, where a 7-foot buffer is required between the parking area and the right-of-way, contra to Hialeah Code §§ 98-590, 98-2056(b)(2) and 98-2197(a). **Property located at 450 East 24 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Michael Osman*

Registered Lobbyists:

- *L. Michael Osman*

Item was approved on first reading on June 10, 2014.

- PZ 3. Second reading and public hearing of proposed ordinance rezoning 151.85 acres of land from GU (Interim District) to Residential Development District, having a minimum of 25% developed as RH-1 (One Family District), a minimum of 20% and a maximum of 30% developed as R-4 (Townhouse), a maximum of 20% developed as RH-3M (Multiple Family District), 8 to 14 units per net acre), and a maximum of 10% developed as RH-3-MM (Multiple Family District), 15 to 24 units per net acre); substituting the requirements of the Residential Development District by approving the site plan dated May 13, 2014 and Pattern Book, as amended, prepared by Pascual Perez Kiliddjian & Associates, Architects and Planners, and by approving the Landscape Plan dated March 24, 2014, as amended, prepared by Michael J. Petrow and Associates, Inc.; granting a Variance to allow a Temporary Waiver of Plat, provided that the property is replatted within 18 months from the grant of the waiver; reaffirming the obligation to pay the city the sum of \$994,614 to be used for roadway improvements; and repealing and rescinding Hialeah, Fla., Ordinance 06-52 (September 12, 2006); **Property located on a vacant parcel of land south of Northwest 154 Street, north of Northwest 146 Street, east of NW 97 Avenue and west of the I-75 Expressway, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Hialeah Communities, LLC.*

Registered Lobbyists:

- *Hugo Arza, Esq. and Michael Freire*
- *Gloria Velazquez*
- *Kelly Hults*
- *Mario P. Pascual*
- *James Wright*
- *Jeff Roberts*
- *Ryan Palonra*
- *Peter Kiliddjian*
- *Andrew Staw*

Item was approved on first reading on June 10, 2014.

- PZ 4. First reading of proposed ordinance rezoning property from R-1 (One Family Residential District) to R-2 (One and Two Family Residential District) and granting a Variance Permit to allow a lot coverage of 32.6%, where a maximum of 30% is allowed, contra to Hialeah Code §§ 98-2056(b)(2). **Property located at 355 West 13 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Ceasar Mestre, Esq.*
- PZ 5. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of the granting of a Variance Permit to allow one LED reader board pylon sign, with one LED display located within the sign and on property located outside the LED geographic area (only allowed within specific geographic area), having a distance of less than 300' radius from residential-zoned properties (minimum distance of 300' radius required) and allow existing setback of 2' (minimum of 10' required). Property located at **4640 Palm Avenue, Hialeah**, zoned C-1 (Restricted Retail Commercial). *Applicant: Benjamin Ocner.* **ITEM CONTINUED ON MAY 13, 2014 UNTIL JUNE 24, 2014.**
- PZ 6. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of a Conditional Use Permit (CUP) to allow a house of worship, and consider granting a variance permit to allow 17 parking spaces, 5 of them backing out into the street (118 parking spaces required and back-out parking only allowed in low density residential areas). Property located at **460 West 83 Street, Hialeah, Florida.** *Applicant: Biblico Puertas De Sion.* **ITEM CONTINUED ON MAY 27, 2014 UNTIL JUNE 24, 2014.**

Item was continued on May 13, 2014 until the meeting of May 27, 2014.

FINAL DECISIONS

- FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 14-10 that granted an adjustment to accommodate a terrace open on all three sides on property located at **397 East 64 Street, Hialeah, Florida;** and providing for an effective date. *Applicant: Adrian Fumero*
- FD 2. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 14-11, that granted adjustments on property located at **160 Southeast 8 Avenue, Hialeah, Florida;** and providing for an effective date. *Applicant: Estela Torres & Eduardo Herrera*

LAND USE AMENDMENTS

- LU 1. First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential to Medium Density Residential; **Property located at 130 West 20 Street, Hialeah, Florida,** zoned R-1 (One-Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a

severability clause; and providing for an effective date. *Applicant: Blanco Family Holdings V LLC* **ITEM CONTINUED ON JUNE 10, 2014 UNTIL JUNE 24, 2014, PER THE APPLICANT'S REQUEST.**

NEXT CITY COUNCIL MEETING: August 12, 2014 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: August 26, 2014 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).